
Emergency Rules

Title 13—DEPARTMENT OF SOCIAL SERVICES Division 35—Children's Division Chapter 60—Licensing of Foster Family Homes

EMERGENCY RULE

13 CSR 35-60.030 Minimum Qualifications of Foster Parent(s)

PURPOSE: This rule explains who can qualify to be a foster parent. It gives the health requirements, standards of living and personal information required.

EMERGENCY STATEMENT: In order to adequately protect the children who have been placed in the division's custody, the division must set criteria and standards for the foster homes which care for these children. These homes provide twenty-four (24)-hour care for children and safety of the children, must be assured at all times. The current rule does not sufficiently state the requirement that the division make placement decisions based on the compelling issue of the child's best interest. This emergency rule is necessary to address court decisions that have held that in order for a policy of general applicability to have effect, it must be promulgated as a rule (*Eileen Reed v. Mo. Department of Social Services, Family Support Division*, Case No. ED87348, 6/20/2006) and by a court decision that found certain criteria used by the Children's Division in the licensing process to be unconstitutional. (*Lisa Johnston v. Mo. Department of Social Services, et al*, Case No. 0516CV09517 Jackson County Circuit Court 2/17/06). The promulgation of this emergency rule is necessary to preserve the compelling governmental interest in protecting children by establishing in rule the procedures for licensing of foster parent homes and placement of children. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The division believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed July 18, 2006, effective August 4, 2006, expires January 30, 2007.

(1) Age of Foster Parent(s). Applicant(s) shall not receive a license when one or both are younger than twenty-one (21) except as provided for relative care in section 210.565, RSMo Supp. 2005.

(2) Citizenship Status of Foster Parent(s). Applicants to provide foster care must be a citizen of the United States, either through birth or naturalization or be able to verify lawful immigration status.

(3) Personal Qualifications Required of Foster Parent(s).

(A) Foster parent(s) must be able to acquire skills and demonstrate performance based competence in the care of children including but not limited to:

1. Protecting and nurturing;
2. Meeting developmental needs and addressing developmental delays;
3. Supporting relationships between children and families;
4. Connecting children to lifetime relationships; and
5. Working as a member of a professional team.

(B) Foster parents shall cooperate with the division in all inquiries involving the care of the foster children. The foster parents' ability to meet these competencies shall be re-evaluated at each relicensure.

(C) Foster parent(s) shall be responsible, mature individual(s) of reputable character who exercise sound judgment, display the capacity to provide good care for children and display the motivation to foster.

(4) Health of Foster Family.

(A) At the time of application for an initial license, foster parents shall authorize their physician to submit a statement on a prescribed

form, regarding his/her opinion of the mental health of each foster family member and certifying that a physical examination was completed within the past year and that all household members were free from communicable disease or are not a threat to the health of foster children and are up to date on all immunizations. A tuberculosis (TB) test and a chest X ray shall be completed, if recommended by the physician.

(B) Foster parents and all foster family members must be determined by a physician to be in good physical and mental health. The licensing agency shall review the examination reports.

(C) If the licensing agency has reason to question the physical or mental health of any member of the foster family, the agency shall require additional mental or physical evaluations.

(5) Foster Parent Training.

(A) Preservice Training. Prior to licensure each adult with parenting responsibilities is required to successfully complete a competency based training approved by the licensing agency.

(B) In-Service Training. To maintain a foster home license each foster parent shall meet performance based criteria as part of a professional family development plan and complete a prescribed number of foster parent training hours as approved by the licensing authority during each two (2)-year licensure period. The subject of training shall be directly tied to the foster parent professional development plan and related to the needs and ages of children in their care.

(6) Personal information elicited in the homestudy shall include but not be limited to:

- (A) Family size and household composition of the foster family;
- (B) Ethnic and racial background of the foster family;
- (C) Religious preferences and practices of the foster family;
- (D) Lifestyles and practices, including sexual orientation, of the foster parents;
- (E) Educational practices of the foster family; and
- (F) Employment of the foster parents.

(7) Parenting Skills Information Elicited in the Homestudy.

(A) Foster parent structures environment so that it is safe and healthy for the child.

(B) Foster parent expresses positive feelings toward the child verbally and physically.

(C) Foster parent recognizes and responds appropriately to the child's verbal and physical expressions of needs and wants.

(D) Foster parent consistently uses basic behavior management techniques in dealing with the child.

(E) Foster parent consistently uses appropriate techniques to discipline the child and does not use or will not use corporal punishment on any child in the custody of the division.

(F) Foster parent guides the child toward increasing independence.

(G) Foster parent behaves in a way that recognizes the immaturity of the child.

(8) All information which is collected by the division in the licensing study will comprise a foster home portfolio which will be available to team members when children are placed into the care of the division, in order for placement decisions to be made in the best interests of the child based on a totality of the circumstances.

AUTHORITY: sections 207.020 and 210.506, RSMo 2000. Emergency rule filed July 18, 2006, effective Aug. 4, 2006, expires Jan. 30, 2007. An emergency rule and proposed rule covering this same material will be published in the September 1, 2006 issue of the *Missouri Register*.